

# EXHIBIT C

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

AZURITY PHARMACEUTICALS, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 21-1286 (LPS)
	)	C.A. No. 21-1455 (LPS)
BIONPHARMA INC.,	)	
	)	
Defendant.	)	

**PLAINTIFF AZURITY PHARMACEUTICALS, INC.’S  
INITIAL DISCLOSURES PURSUANT TO RULE 26(a)(1)**

Pursuant to Federal Rule of Civil Procedure 26(a)(1), Plaintiff Azurity Pharmaceuticals, Inc. (“Azurity”), by and through its attorneys, makes the following initial disclosures to Defendant Bionpharma Inc. (“Bionpharma”).

Azurity makes these initial disclosures based upon its current knowledge, information, and belief concerning matters upon which disclosure is required. Such disclosure is based on information reasonably available to Azurity as of the date hereof, which is not necessarily exhaustive of what may be determined as discovery begins and progresses. Azurity therefore reserves the right to supplement, amend, and modify its disclosures, including based on information developed in the course of this lawsuit through discovery or additional factual investigation.

Azurity’s disclosures represent a good faith effort to identify information, which it is aware of as of this date, that Azurity reasonably believes may be used to support its claims and defenses. By making these initial disclosures, Azurity does not represent that it is identifying every document or identifying every tangible thing or witness possibly relevant to this action. Nor does Azurity waive its right to object: (a) to the production of any document or tangible thing disclosed on the basis of privilege, work product immunity, relevancy, competency, materiality, hearsay, undue

burden, or any other proper ground for objection; (b) to the use of any such information, for any purpose, in whole or in part, in any proceeding in this action or any other action; (c) on any and all grounds, at any time, to any other discovery request or proceeding involving or relating to the subject matter of these initial disclosures in this action or any other action. In addition, these disclosures are made without waiver of, or prejudice to, any objections that Azurity may have regarding the subject matter of these disclosures or any documents or individuals identified herein.

Subject to and without waiving any of the aforementioned rights, and based on Azurity's current knowledge and belief, Azurity makes the following disclosures:

**I. FED. R. CIV. P. 26(a)(1)(A)(i)**

The following individuals are likely to have discoverable information that Azurity may use in support of its claims or defenses. These individuals identified below may be contacted only through Azurity's counsel, Wilson Sonsini Goodrich & Rosati, P.C. ("WSGR"), One Market Plaza, Spear Tower, Suite 3300, San Francisco California 94105.

<b>Name / Contact Information</b>	<b>Subject Matter</b>
Gerold L. Mosher Contact through counsel of record at WSGR	Research and development of Epaned®; subject matter of U.S. Patent Nos. 11,040,023 (the "'023 patent"); 11,141,405 (the "'405 patent").
David W. Miles Contact through counsel of record at WSGR	Research and development of Epaned®; subject matter of the '023 and '405 patents.
Michael Beckloff Contact through counsel of record at WSGR	Research and development of Epaned®; preparation and submission of New Drug Application ("NDA") No. 208686.

The following additional individuals and/or entities are likely to have discoverable information that Azurity may use to support its claims or defenses:

Name / Contact Information	Subject Matter
Bionpharma Inc. 600 Alexander Rd., #2-4B, Princeton, NJ 08540	Bionpharma's witnesses, employees, and/or agents, whose identities are presently unknown to Azurity, who are knowledgeable about Bionpharma's infringing activities and defenses.

Other persons or entities whose names appear in documents described in Section II below may also be likely to have discoverable information. Azurity anticipates that additional witnesses may be located or identified during the course of discovery in this action.

**II. FED. R. CIV. P. 26(a)(1)(A)(ii)**

Based on information reasonably available at this time, at least the following categories of documents, data compilations, electronically stored information, and tangible things may be used by Azurity to support its claims or defenses (excluding documents that may be solely used for impeachment).

Document	Custodian
The '023 and '405 patents, their file histories, cited references, related patent applications, and any applications or patents from which they claim priority.	Azurity
Documents relating to the assignment, licensing of, and ownership of the '023 and '405 patents.	Azurity and/or third parties
Documents relating to the filing of NDA No. 208686 including amendments and supplements, and related clinical studies	Azurity
Documents relating to the discovery, research, development, and commercialization of Epaned <sup>®</sup> (enalapril maleate) Oral Solution, 1 mg/mL	Azurity
Documents relating to the development of the subject matter of the '023 and '405 patents.	Azurity
Documents relating to Bionpharma's Abbreviated New Drug Application ("ANDA") No. 212408	Bionpharma and/or third parties

**III. FED. R. CIV. P. 26(a)(1)(A)(iii)**

Azurity contends that Bionpharma's infringement has and will imminently inflict irreparable harm upon Azurity for which monetary relief cannot be calculated or is otherwise inadequate, as set forth in Azurity's Order to Show Cause for Temporary Restraining Order, Preliminary Injunction, and Other Emergent Relief and supporting papers (D.I. 25, 52). However, to the extent that Azurity's harm can be calculated, Azurity contends it is entitled to compensation in the amount of its lost profits and/or a reasonable royalty. Azurity's investigation into the full nature and extent of its harm is ongoing, and many of the documents Azurity needs to complete this investigation are in the exclusive possession of Bionpharma and/or third parties. Azurity reserves the right to supplement its contentions regarding damages as it learns more information in discovery. In addition, Azurity contends it is entitled to enhanced damages for Bionpharma's willful infringement, prejudgment and post-judgment interests and costs under 35 U.S.C. § 284, and attorney's fees pursuant to 35 U.S.C. § 285. The amount of those fees and costs is not yet known.

**IV. FED. R. CIV. P. 26(a)(1)(A)(iv)**

Azurity is not presently aware of any pertinent insurance policies.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

*/s/ Megan E. Dellinger*

OF COUNSEL:

Wendy L. Devine  
Kristina M. Hanson  
Nicholas Halkowski  
WILSON SONSINI GOODRICH & ROSATI  
One Market Plaza  
Spear Tower, Suite 3300  
San Francisco, CA 94105  
(415) 947-2000

Natalie J. Morgan  
Evan Sumner  
WILSON SONSINI GOODRICH & ROSATI  
12235 El Camino Real, Suite 200  
San Diego, CA 92130-3002  
(858) 350-2300

Ty W. Callahan  
Granville C. Kaufman  
WILSON SONSINI GOODRICH & ROSATI  
633 West Fifth Street, Suite 1550  
Los Angeles, CA 90071  
(323) 210-2900

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Jack B. Blumenfeld (#1014)  
Megan E. Dellinger (#5739)  
1201 North Market Street  
P.O. Box 1347  
Wilmington, DE 19899  
(302) 658-9200  
jblumenfeld@morrisnichols.com  
mdellinger@morrisnichols.com

*Attorneys for Plaintiff Azurity  
Pharmaceuticals, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 10, 2022, copies of the foregoing were caused to be served upon the following in the manner indicated:

John C. Phillips, Jr., Esquire  
Megan C. Haney, Esquire  
PHILLIPS, McLAUGHLIN & HALL, P.A.  
1200 North Broom Street  
Wilmington, DE 19806-4204  
*Attorneys for Defendant Bionpharma Inc.*

*VIA ELECTRONIC MAIL*

Andrew M. Alul, Esquire  
Roshan P. Shrestha, Esquire  
TAFT STETTINIUS & HOLLISTER LLP  
111 East Wacker Drive, Suite 2800  
Chicago, IL 60601  
*Attorneys for Defendant Bionpharma Inc.*

*VIA ELECTRONIC MAIL*

*/s/ Megan E. Dellinger*

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Megan E. Dellinger (#5739)